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OFFICE OF PETITIONS

In re Application of Dee	:	
Application No. 09/853,094	:	Decision on Petition
Filing Date: May 9, 2001	:	
Attorney Docket No. 36861.00.0006	:	

This is a decision on the petition under 37 CFR 1.181, filed February 10, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 3, 2004, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application became abandoned on February 4, 2005. A Notice of Abandonment was mailed on June 7, 2005.

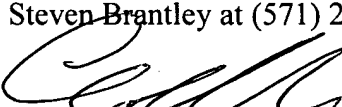
Petitioner contends a reply and request for an extension of time were filed on May 9, 2005 (certificate of mailing date of May 3, 2005). Petitioner has supplied a copy of the originally filed papers and a postcard receipt. The evidence of record is sufficient to establish petitioner filed a timely reply to the non-final Office action.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The extension of time fee of \$510 was not previously charged to petitioner's deposit account due to the loss of the originally filed papers. Therefore, the Office has charged \$510 to petitioner's deposit account for the three-month extension of time.

Technology Center Art Unit 3629 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.


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